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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,754	12/02/2003	Glenn Steven Witherspoon	22009-000110	6827
20350	7590	07/13/2005	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			LE, UYEN CHAU N	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/726,754

Applicant(s)

WITHERSPOON, GLENN STEVEN

Examiner

Uyen-Chau N. Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-12 and 21-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-12 and 21-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4/04.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Prelim. Amdt/Amendment*

1. Receipt is acknowledged of the Amendment filed 25 April 2005.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 5-6, 8-9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schrader et al (US 5,903,881) in view of Hawkins et al (US 6,330,618).

Re claim 1, 5-6, 8-9 and 11: Schrader et al discloses a method for reconciling a financial account of a user on a user device 301 (fig. 13; col. 12, lines 30+), comprising: accessing a user list of transactions entered by the user (i.e., set of transactions that have been cleared for or at the financial institution since the date 164 of the last update) (col. 17, lines 23+); downloading a financial institution list of transactions from a financial institution; storing the financial institution list of transactions on the user device (i.e., stored in database module 1407 (fig. 14; col. 17, lines 35+)); comparing the user list and the financial institution list item by item (i.e., matching) (col. 17, lines 40+); and providing a reconciliation function for each item on

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both of the lists (col. 17, line 40 through col. 18, line 44); wherein the user device is a personal computer, and the accessing a user list of transactions comprises uploading the user list from an electronic account register; wherein the user device is an electronic account register (fig. 13; col. 12, lines 30+); providing an indication whether an item has been cleared for each item upon completion of the reconciliation function (i.e., rendered in a different color and being removed from the mini checkbook 181 (col. 18, lines 1+ and lines 18+)); downloading cleared items, and items on the financial institution list of transactions but not on the user list, from a computer to an account register device (i.e., set of transactions that have been cleared for or at the financial institution since the date 164 of the last update (col. 17, lines 23-40); exporting data regarding the transactions to a money management program (i.e., finance application 304 or Quicken® (Schrader et al: col. 2, lines 45+ and col. 16, line 63 through col. 18, line 44)).

Schrader et al is silent with respect to a portable electronic account register and storing reconciliation information on said user device.

Simmons teaches a portable electronic account register and storing reconciliation information on said user device (col. 9, line 55 through col. 14, line 2).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the teachings of Simmons into the system as taught by Schrader et al in order to provide Schrader et al with a more compact system due to a portable device. Furthermore, such modification would provide the user the ability of

later retrieving reconciliation information when desired for verification, and therefore an obvious expedient.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-4, 10, 12 and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schrader et al as modified by Simmons as applied to claim 1 above, and further in view of Dunn et al (US 5,134,564). The teachings of Schrader et al as modified by Simmons have been discussed above.

Re claims 2-4, 10, 12 and 21-24: Schrader et al/Simmons have been discussed above and further discloses comparing the transactions to match transactions on the financial institution list to transactions on the user list (col. 17, lines 40-45), but is silent with respect to identifying unmatched transactions; attempting to match the unmatched transactions, absent user input, according to predetermined criteria to provide proposed matches; presenting the proposed matches to the user; accepting, on an item by item basis, a confirmation of the proposed matches by the user; presenting to the user a first group of transactions on the user list, but not on the financial institution list; presenting to the user a second group of transactions on the financial institution list but not on the user list; providing a user input capability for matching items from the first and second

groups; and providing an indication whether an item has been cleared for each item upon completion of the reconciliation function.

Dunn et al teaches a method of reconciling financial transactions comprising identifying unmatched transactions (col. 6, lines 58-64); attempting to match the unmatched transactions, absent user input, according to predetermined criteria to provide proposed matches; presenting the proposed matches to the user (col. 7, lines 45-56); accepting, on an item by item basis, a confirmation of the proposed matches by the user; presenting to the user a first group of transactions on the user list, but not on the financial institution list; presenting to the user a second group of transactions on the financial institution list but not on the user list; providing a user input capability for matching items from the first and second groups (i.e., the user has an opportunity to select a record in the group) (col. 6, line 41 through col. 9, line 20).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the teachings of Dunn et al into the system as taught by Schrader et al/Simmons in order to provide Schrader et al/Simmons with a more accurate system in which the user has the opportunity to verify his/her transactions record with the record of the financial institution for the unmatched transactions, which preventing wrong matching pair occurred in the event of typo in transaction recording. Furthermore, such modification would provide Schrader et al/Simmons with a more accurate and a time consumption system (i.e., by presenting/displaying the list of highest proposed match to the user, the user can select the best match readily out of the highest match list without wasting time going through a whole unmatched record).

***Response to Arguments***

6. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

7. In response to the Applicant's argument to "... Dunn does automatic matching above a threshold, with no further processing (thus no opportunity for a user to unmatch an inexact match) ..." (p. 11, 2<sup>nd</sup> paragraph), the examiner respectfully disagrees and requests the Applicant to further review Dunn wherein "the process displays a bank statement record on a screen along with the closest match found. The user chooses among several potential courses of action to resolve the discrepancy." (col. 6, lines 58-65). Accordingly, the claimed limitation, given the broadest reasonable interpretation, Dunn meets the claimed invention (see the rejection above).

8. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., Claim 2...an entry is highlighted for a user to unmatch if the matching was incorrect. A second field contains all the unmatched entries for the user to manually match) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

**Conclusion**

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The patents to Paternoster (US 5337263 A); Chancey et al (US 5842185 A); Wells et al (US 6446048 B1); Blegen et al (US 6757716 B1); Wu et al (US 6825940 B1); Rowe et al (US 6800029 B2) are cited as of interest and illustrate to a similar structure of a method for reconciling a financial account of a user on a user device.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen-Chau N. Le whose telephone number is 571-272-2397. The examiner can normally be reached on Mon-Fri. 5:30AM-2:00PM.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Uyen-Chau N. Le  
Examiner  
Art Unit 2876

July 11, 2005